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PTO/SB/05 (03-01)

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No.	4821-529-999	Total Pages	66
		First Named Inventor or Application Identifier			
		JERUSSI			
		Express Mail Label No.			

APPLICATION ELEMENTS
See MPEP chapters 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27

3. ☒ Specification [Total Pages 60]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure

4. ☐ Drawing(s) *(35 USC 113)* [Total Sheets]

5. ☒ Oath or Declaration [Total Sheets 3]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☒ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

13. ☒ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent

17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner: P. Spivack Group Art Unit: 1614

of prior application No.: 10/278,097, filed October 23, 2002, which is a division of 09/770,663, filed January 29, 2001, which is a continuation-in-part of 09/662,135, filed September 14, 2000, which is a continuation-in-part of 09/372,158, filed August 11, 1999, which claims priority to provisional nos. 60/099,306, filed Septembr 2, 1998 and 60/097,665, filed August 24, 1998.

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number

20582
Insert Customer No.

 or ☐ Correspondence address below

NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application:
10/278,097

Examiner Spivack, P.

Art Unit 1614

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 10/278,097 filed October 23, 2002, which is a division of application no. 09/770,663, filed January 29, 2001, which is a continuation-in-part of application no. 09/662,135, filed September 14, 2000, which is a continuation-in-part of application no. 09/372,158, filed August 11, 1999, which claims priority to provisional application nos. 60/099,306, filed September 2, 1998 and 60/097,665, filed August 24, 1998.

of JERUSSI

(inventor(s) currently of record in prior application)

METHODS OF TREATING AND PREVENTING NARCOLEPSY USING ENANTIOMERICALLY PURE (S)-DIDESMETHYLSIBUTRAMINE

for (As amended)

(title of invention)

1. ☒ The filing fee, after the entry of Preliminary Amendment submitted herewith, is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	11	- 20	0	\$18.00 each	\$ 0.00
Independent	1	- 3	0	\$86.00 each	\$ 0.00
Minimum Fee					\$ 770.00
Multiple Dependency Fee					\$ 0.00
If Applicable (\$290.00)					\$ 0.00
Total					\$ 770.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 770.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 3a. ☒ A Preliminary Amendment is enclosed.
- 3b. ☐ A new specification, substantially identical to the pending prior application and containing no

new matter, is enclosed.

- 4a. ☐ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☒ The prior application is assigned of record to Sepracor, Inc..
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/770,663, filed January 29, 2001 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
- 8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
- 9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
- 10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
- 11. ☒ A copy of Declaration filed in the prior application no. 09/770,663, filed January 29, 2001, is enclosed.

Date Nov. 21, 2003

Respectfully submitted,



Max Bachrach
PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006
(202) 496-4400

45,479
(Reg. No.)

For: Anthony M. Insogna
PENNIE & EDMONDS LLP
12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1200

(Reg. No. 35,203)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: T. Jerussi

Application No.: To be assigned
(Divisional Application of U.S. Application No.
10/278,097, filed October 23, 2002)

Group Art Unit: To be assigned

Filed: Concurrently herewith

Examiner: To be assigned

For: METHODS OF TREATING AND
PREVENTING NARCOLEPSY USING
ENANTIOMERICALLY PURE
(S)-DIDESMETHYLSIBUTRAMINE
(As amended)

Attorney Docket No.: 4821-529-999

REQUEST FOR DELETION OF INVENTORS UNDER 37 C.F.R. § 1.63(d)(2)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully submits that he is the sole inventor of the subject matter claimed in the above-identified divisional application as amended by the Preliminary Amendment submitted herewith. Consequently, Applicant, through his Attorneys, respectfully requests that Chrisantha H. Senanayake and Qun K. Fang, named co-inventors of prior application no. 10/278,097, filed October 23, 2002, be deleted from the inventorship of this application.

No fee is believed due for this submission. If any fees are required, however, please charge such fee(s) to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Date

Nov. 21, 2003

Respectfully submitted,

Max Bachrach 45,479
(Reg. No.)

PENNIE & EDMONDS LLP

1667 K Street, N.W.
Washington, DC 20006
(202) 496-4400

For Anthony M. Insogna (Reg. No. 35,203)

PENNIE & EDMONDS LLP
12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1200